IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V. RAMULU

WRIT PETITION No.13943 of 1998

Between:

1. O. Laxman Rao, S/o O. Sanyasi,

aged 31 years, Occ: Presently Nil

R/o Door No.63-3-63, Jawaharnagar,

Malkapuram (post), Visakhapatnam-530 011.

2. V. Babu Rao, S/o Appala Naidu,

aged 28 years, Occ: Presently Nil,

R/o L.I.G. III, Sector VI, M.V.P.Colony,

Visakhapatnam-530 017.

..... PETITIONERS

AND

1. The General Manager, Hindustan

Petroleum Corporation Limited,

Visakha Refinery, Post Box No.15,

Visakhapatnam-530 011.

2. The Manager (P&A),

Hindustan Petroleum Corpn., Ltd.,

Visaka Refinery, P.B.No.15,

Visakhapatnam-530 011.

3. The Chairman & Managing Director,

Hindustan Petroleum Corpn. Ltd.,

Zamshedji Tata Road, Mumbai-400 021.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more in the nature of Writ of Mandamus declaring the action of the respondents in not declaring the results to the post of Junior Fire Inspector of the general category as illegal, arbitrary, unjust and violative of Arts.14 and 16 of the Constitution of India besides being violative of principles of natural justice, while issuing a consequential direction to the respondents to declare the results to the post of Junior Fire Inspectors of the general category forthwith and issue appointments orders accordingly with effect from the date the selection process was completed with all attendant and consequential benefits including the benefit of service, in the interest of justice.

Counsel for the Petitioner: Mr. D.GOVARDHANACHARY

Counsel for the Respondents: Mr. P.NAGESWARA SREE

The Court made the following :

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in not announcing the results of the interview conducted for the post of Junior Fire Inspector of the general category as arbitrary and illegal and consequently to direct the respondents to declare the results to the post of Junior Fire Inspector of the general category forthwith.

It is the case of the petitioners that in pursuance of a notification inviting applications by the respondents for the post of Junior Fire Inspector, they have applied and they were successful in the written test. They reliably learnt that they were successful both in the practical test and interview; however, they could not be appointed. The reason for their non-appointment, which they came to know, is that one Rama Rao filed a Writ Petition before this Court and got a direction not to declare the results to the post of Junior Fire Inspector. A perusal of the orders of this Court passed in that Writ Petition filed by Ramarao shows that there was a direction only not to declare the results in respect of the petitioners therein. The interim orders were confined only to the writ petitioners therein, who belong to Scheduled Caste category, whereas the petitioners belong to general category. The claim of the said Ramarao is nothing to do with the selection and appointment of the petitioners. Nevertheless, the respondents did not take any steps to declare the results of the general category candidates. Therefore, the action of the respondents in not declaring the results and not appointing the petitioners is arbitrary and illegal.

A detailed counter affidavit is filed on behalf of the respondents denying the allegations made by the petitioners. It is asserted that the selection process for the posts of Junior Operators/Technicians was completed and appointment orders were given to those categories. However, it is not correct that the selections of Junior Maintenance Technicians were finalized. In fact, due to various administrative reasons, the vacancies of Junior Maintenance Technicians and Junior Fire Inspectors could not be finalized. When the Corporation was in the process of finalizing the results, a fire accident took place on 14-9-1997, in which all the records pertaining to the recruitment of Junior Maintenance Technicians and Junior Fire Inspectors were destroyed. Merely because the petitioners were qualified in the

written test, that itself does not entitle them to claim appointment in the Corporation as a matter of right. The results of the trade test and interviews were not finalized and the process of pre-employment medical test also could not be conducted due to the unfortunate fire accident of 14-9-1997. The Corporation has decided to fill up the vacancies by giving notification afresh, after the refinery is made fully operational.

Heard both sides.

From the above averments, it is clear that the petitioners have not accrued any right for employment. Merely because, the petitioners have appeared for the written test and also the interview, that does not entitle them to claim appointment as a matter of right. The claim of the petitioners is only imaginary and speculative, since the respondents have categorically asserted that pre-employment medical test could not be conducted in view of the fact that there was an unfortunate fire accident on 14-9-1997 in which the records were burnt. The authorities have rightly indicated that they would notify the vacancies to the local Employment Exchange.

The learned counsel for the petitioners apprehends that some of the petitioners might have already crossed the maximum age for recruitment and their cases may not be considered. This Court cannot pass orders in that regard. However, it is open for the respondents that as and when the vacancies are notified and if the petitioners apply for the same, they may be considered for granting of age relaxation, since the petitioners have earlier applied for the post and the process could not be completed because of the fire accident.

Subject to the above observation, this Writ Petition is dismissed. No costs.

10-6-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The General Manager, Hindustan

Petroleum Corporation Limited,

Visakha Refinery, Post Box No.15,

Visakhapatnam-530 011.

2. The Manager (P&A),

Hindustan Petroleum Corpn., Ltd.,

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